

Calendar No. 224

110TH CONGRESS
1ST SESSION

S. 553

[Report No. 110–94]

To amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2007

Mr. DODD (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 26, 2007

Reported by Mr. BINGAMAN, without amendment

A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eightmile Wild and
3 Scenic River Act”.

4 **SEC. 2. WILD AND SCENIC RIVER DESIGNATION,**
5 **EIGHTMILE RIVER, CONNECTICUT.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Eightmile River Wild and Scenic River
8 Study Act of 2001 (Public Law 107–65; 115 Stat.
9 484) required the Secretary to complete a study of
10 the Eightmile River in the State of Connecticut from
11 its headwaters downstream to its confluence with the
12 Connecticut River for potential inclusion in the Na-
13 tional Wild and Scenic Rivers System;

14 (2) the segments of the Eightmile River that
15 were assessed in the study continue to be in a free-
16 flowing condition;

17 (3) the segments of the Eightmile River contain
18 outstanding resource values relating to—

19 (A) cultural landscapes;

20 (B) water quality;

21 (C) watershed hydrology;

22 (D) unique species;

23 (E) natural communities;

24 (F) geology; and

25 (G) watershed ecosystems;

1 (4) the Eightmile River Wild and Scenic Study
2 Committee has determined that—

3 (A) the outstanding resource values of
4 those segments of the Eightmile River depend
5 on the continued integrity and quality of the
6 Eightmile River watershed;

7 (B) those resource values that are mani-
8 fested throughout the entire watershed; and

9 (C) the continued protection of the entire
10 watershed is intrinsically important to the des-
11 ignation of the Eightmile River under this Act;

12 (5) the Eightmile River Wild and Scenic Study
13 Committee took a watershed approach in studying
14 and recommending management options for the river
15 segments and the Eightmile River watershed as a
16 whole;

17 (6) during the study, the Eightmile River Wild
18 and Scenic Study Committee prepared the Eightmile
19 River Management Plan to establish objectives,
20 standards, and action programs to ensure long-term
21 protection of the outstanding values of the river, and
22 compatible management of the land and water re-
23 sources of the Eightmile River and its watershed,
24 without Federal management of affected land not
25 owned by the United States;

1 (7) the Eightmile River Wild and Scenic Study
2 Committee—

3 (A) voted in favor of including the
4 Eightmile River in the National Wild and Sce-
5 nic Rivers System; and

6 (B) included that recommendation as an
7 integral part of the Eightmile River Watershed
8 Management Plan;

9 (8) the residents of the towns located adjacent
10 to the Eightmile River and comprising most of its
11 watershed, including Salem, East Haddam, and
12 Lyme, Connecticut, as well as the boards of select-
13 men and land use commissions of those towns,
14 voted—

15 (A) to endorse the Eightmile River Water-
16 shed Management Plan; and

17 (B) to seek designation of the river as a
18 component of the National Wild and Scenic
19 Rivers System.

20 (9) the General Assembly of the State of Con-
21 necticut enacted Public Act 05–18—

22 (A) to endorse the Eightmile River Water-
23 shed Management Plan; and

1 (B) to seek the designation of the
2 Eightmile River as a component of the National
3 Wild and Scenic Rivers System.

4 (b) DEFINITIONS.—In this Act:

5 (1) EIGHTMILE RIVER.—The term “Eightmile
6 River” means segments of the main stem and cer-
7 tain tributaries of the Eightmile River in the State
8 of Connecticut that are designated as components of
9 the National Wild and Scenic Rivers System by the
10 amendment made by subsection (c).

11 (2) MANAGEMENT PLAN.—The term “Manage-
12 ment Plan” means the plan prepared by the
13 Eightmile River Wild and Scenic Study Committee,
14 with assistance from the National Park Service,
15 known as the “Eightmile River Watershed Manage-
16 ment Plan”, and dated December 8, 2005.

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (c) DESIGNATION.—Section 3(a) of the Wild and Sce-
20 nic Rivers Act (16 U.S.C. 1274(a)) is amended—

21 (1) by redesignating paragraph (167) (relating
22 to the Musconetcong River, New Jersey) as para-
23 graph (169);

1 (2) by designating the undesignated paragraph
2 relating to the White Salmon River, Washington, as
3 paragraph (167);

4 (3) by designating the undesignated paragraph
5 relating to the Black Butte River, California, as
6 paragraph (168); and

7 (4) by adding at the end the following:

8 “(170) EIGHTMILE RIVER, CONNECTICUT.—The fol-
9 lowing segments in the Eightmile River in the State of
10 Connecticut, totaling approximately 25.3 miles, to be ad-
11 ministered by the Secretary of the Interior:

12 “(A) The 10.8-mile segment of the main stem
13 of the Eightmile River, from Lake Hayward Brook
14 to the Connecticut River at the mouth of Hamburg
15 Cove, as a scenic river.

16 “(B) The 8.0-mile segment of the East Branch
17 of the Eightmile River from Witch Meadow Road to
18 the main stem of the Eightmile River, as a scenic
19 river.

20 “(C) The 3.9-mile segment of Harris Brook
21 from the confluence of an unnamed stream lying
22 0.74 miles due east of the intersection of Hartford
23 Road (State Route 85) and Round Hill Road to the
24 East Branch of the Eightmile River, as a scenic
25 river.

1 “(D) The 1.9-mile segment of Beaver Brook
2 from Cedar Pond Brook to the main stem of the
3 Eightmile River, as a scenic river.

4 “(E) The 0.7-mile segment of Falls Brook from
5 Tisdale Brook to the main stem of the Eightmile
6 River at Hamburg Cove, as a scenic river.”.

7 (d) MANAGEMENT.—

8 (1) IN GENERAL.—The Secretary shall manage
9 the Eightmile River in accordance with the Manage-
10 ment Plan and such amendments to the Plan as the
11 Secretary determines to be consistent with this sec-
12 tion.

13 (2) MANAGEMENT PLAN.—The Management
14 Plan shall be considered to satisfy each requirement
15 for a comprehensive management plan that is re-
16 quired by section 3(d) of the Wild and Scenic Rivers
17 Act (16 U.S.C. 1274(d)).

18 (e) COMMITTEE.—The Secretary shall coordinate the
19 management responsibilities of the Secretary relating to
20 the Eightmile River with the Eightmile River Coordinating
21 Committee, as described in the Management Plan.

22 (f) COOPERATIVE AGREEMENTS.—

23 (1) IN GENERAL.—Pursuant to sections 10(e)
24 and 11(b)(1) of the Wild and Scenic Rivers Act (16

1 U.S.C. 1281(e), 1282(b)(1)), the Secretary may
 2 enter into a cooperative agreement with—

3 (A) the State of Connecticut;

4 (B) the towns of—

5 (i) Salem, Connecticut;

6 (ii) Lyme, Connecticut; and

7 (iii) East Haddam, Connecticut; and

8 (C) appropriate local planning and environ-
 9 mental organizations.

10 (2) CONSISTENCY WITH MANAGEMENT PLAN.—

11 Each cooperative agreement authorized by this sub-
 12 section—

13 (A) shall be consistent with the Manage-
 14 ment Plan; and

15 (B) may include provisions for financial or
 16 other assistance from the United States.

17 (g) RELATION TO NATIONAL PARK SYSTEM.—Not-
 18 withstanding section 10(c) of the Wild and Scenic Rivers
 19 Act (16 U.S.C. 1281(c)), the Eightmile River shall not—

20 (1) be administered as part of the National
 21 Park System; or

22 (2) be subject to regulations that govern the
 23 National Park System.

24 (h) LAND MANAGEMENT.—

1 (1) ZONING ORDINANCES.—With respect to the
 2 Eightmile River, each zoning ordinance adopted by
 3 the towns of Salem, East Haddam, and Lyme, Con-
 4 necticut, in effect as of December 8, 2005 (including
 5 provisions for conservation of floodplains, wetland
 6 and watercourses associated with the segments),
 7 shall be considered to satisfy each standard and re-
 8 quirement under section 6(c) of the Wild and Scenic
 9 Rivers Act (16 U.S.C. 1277(c)).

10 (2) ACQUISITION OF LAND.—

11 (A) IN GENERAL.—The provisions of sec-
 12 tion 6(c) of the Wild and Scenic Rivers Act (16
 13 U.S.C. 1277(c)) that prohibit Federal acquisi-
 14 tion of land by condemnation shall apply to the
 15 acquisition of land for the Eightmile River.

16 (B) LIMITATIONS.—The authority of the
 17 Secretary to acquire land for the purpose of
 18 managing the Eightmile River as a component
 19 of the National Wild and Scenic Rivers System
 20 shall be—

21 (i) limited to acquisition—

22 (I) by donation; or

23 (II) with the consent of the
 24 owner of the land; and

1 (ii) subject to the additional criteria
2 set forth in the Management Plan.

3 (i) WATERSHED APPROACH.—

4 (1) STATEMENT OF POLICY.—In furtherance of
5 the watershed approach to resource preservation and
6 enhancement articulated in the Management Plan,
7 the tributaries of the Eightmile River watershed
8 specified in paragraph (2) are recognized as integral
9 to the protection and enhancement of the Eightmile
10 River and that watershed.

11 (2) COVERED TRIBUTARIES.—The tributaries
12 referred to in paragraph (1) include—

- 13 (A) Beaver Brook;
- 14 (B) Big Brook;
- 15 (C) Burnhams Brook;
- 16 (D) Cedar Pond Brook;
- 17 (E) Cranberry Meadow Brook;
- 18 (F) Early Brook;
- 19 (G) Falls Brook;
- 20 (H) Fraser Brook;
- 21 (I) Harris Brook;
- 22 (J) Hedge Brook;
- 23 (K) Lake Hayward Brook;
- 24 (L) Malt House Brook;
- 25 (M) Muddy Brook;

- 1 (N) Ransom Brook;
- 2 (O) Rattlesnake Ledge Brook;
- 3 (P) Shingle Mill Brook;
- 4 (Q) Strong's Brook;
- 5 (R) Tisdale Brook;
- 6 (S) Witch Meadow Brook; and
- 7 (T) all other perennial streams within the
- 8 Eightmile River watershed.

9 (j) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out this Act.

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